

University of Rhode Island DigitalCommons@URI

Faculty Senate Bills

Faculty Senate

2005

Report of the Student Rights and Responsibilities Committee (POLICY #86-1 Revised).

University of Rhode Island Faculty Senate

Follow this and additional works at: http://digitalcommons.uri.edu/facsen_bills

Recommended Citation

University of Rhode Island Faculty Senate, "Report of the Student Rights and Responsibilities Committee (POLICY #86-1 Revised)." (2005). *Faculty Senate Bills*. Paper 1754.
http://digitalcommons.uri.edu/facsen_bills/1754

This Article is brought to you for free and open access by the Faculty Senate at DigitalCommons@URI. It has been accepted for inclusion in Faculty Senate Bills by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons@etal.uri.edu.



Faculty Senate

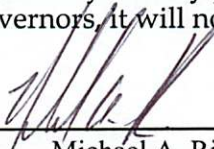
Serial Number #05-06--2D

TO: President Robert L. Carothers

FROM: Michael A. Rice, Chairperson of the Faculty Senate

1. The attached BILL, titled Report of the Student Rights and Responsibilities Committee (POLICY #86-1 Revised), is forwarded for your consideration.
2. The original and two copies for your use are included.
3. This BILL was adopted by vote of the Faculty Senate on September 22, 2005.
4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Governors, completing the appropriate endorsement below.
5. In accordance with Section 10, paragraph 4 of the Senate's By-Laws, this bill will become effective October 13, 2005 three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Governors for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Governors, it will not become effective until approved by the Board.

September 25, 2005
(date)



Michael A. Rice
Chairperson of the Faculty Senate

ENDORSEMENT

TO: Chairperson of the Faculty Senate

FROM: President of the University

Returned.

- a. Approved ☒.
- b. Approved subject to final approval by Board of Governors ____.
- c. Disapproved ____.

10/11/05
(date)



President

**REPORT OF THE STUDENT RIGHTS
AND RESPONSIBILITIES COMMITTEE**
September 2005

Appendix G
POLICY #86-1

Please note that in 3a below, limited administrative search, the SR&R committee voted to drop the word "closet." Therefore these recommendations come to you for your approval with the unanimous support of the committee

1. Entry and Search by Consent of the Student

a. In situations where the student refuses consent search procedures described below may be implemented.

~~c. Any student who is a resident of the room, suite, or apartment may consent to entry of the authorized University employee and to the search of that student's personal belongings. However, no student may consent to the search of another student's bedroom, closets, locker, suitcases, or other areas under the primary control of another student. Whenever a student's area or belongings are searched by consent, a consent to search form is to be completed by the staff member, making the search and signed by the student(s) whose belongings are to be searched.~~

c. A resident student can give consent to an authorized University employee to enter his/her room, apartment or shared bathroom. The resident student can give consent only to the search of his/her belongings, and of shared areas that are not under the primary control of another student. For example a student may give consent to a search of a shared refrigerator but not to any closed containers therein that are the property of another student. No student may consent to the search of another student's bedroom, closets, locker, suitcases, backpacks, or other areas under the primary control of another student.

2. Entry Without Consent in a Health or Safety Emergency

The Director of Security, Director of Safety and Risk Management or his/her designee, the Director or Assistant Director of Residential Life, the Associate Director of Residential Life, a Hall Director or an Evening Manager Supervisor Assistant Hall Director or Security Officer may enter

3. Entry For Routine Inspections

..... inspections for health, safety, and building maintenance purposes. In the case of fraternity or sorority rooms, the Vice President for Student Affairs or his/her designee may enter for such inspections and maintenance.

4. Entry Without Consent on Suspicion of Violation of University Regulations or Federal or State Law

~~a. Where federal, state, or local law enforcement officers, including URI campus police, are involved in an investigation of possible violation of state or federal law, any search of a student residence shall be conducted only by such law enforcement officers and only in accord with legal standards applicable to police searches of private residences, and no University employee or agent other than a URI police officer is authorized to conduct a search of a student residence in connection with such investigation. URI officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state judicial officer.~~

~~b. If no federal, state, or local law enforcement officer (including URI campus police) is involved in an investigation of a possible violation of University policy, and if a URI employee (other than a URI campus police officer) or student has reason to believe that~~

~~search of a particular room will yield evidence of violation of a University regulation by a particular student, that employee or student should contact the Director of Security, the Director of Residential Life or the Associate Director of Residential Life. If the Director of Security, Director of Residential Life or Associate Director of Residential Life, after hearing the employee's or student's statements to that effect, believes that a search of a particular student residence will produce evidence of a violation of University regulations, or evidence of the identity of a person participating in such a violation, the Director of Security, the Director of Residential Life or Associate Director of Residential Life may apply to the Dean of Students (or if the Dean of Students is unavailable, to the Vice President for Student Affairs) for an administrative search warrant. The Dean of Students or Vice President for Student Affairs to whom application is made shall review the application and may ask any additional questions of the Director of Security, the Director of Residential Life or Associate Director of Residential Life, or of the additional applicants. The Dean of Students or Vice President for Student Affairs shall sign the student residence search warrant only if s/he concludes there is reasonable cause to believe that the property described in the application and related to the commission of a violation is located as described in the application and that it is in the best interest of the University and its students to conduct an administrative search. Once the administrative warrant has been granted the search will be conducted only by the Director of Security, the Director of Residential Life or the Associate Director of Residential Life. Evidence found in the administrative search that indicates a violation of University policy may be used for internal University action.~~

In the following section, "concrete information" is something known from direct observation or information from a reliable source. For example, a resident assistant reports hearing a drinking game; a resident assistant sees alcohol being brought into the room of an underage student; there is the smell of marijuana, a towel under the door, the window is open and a fan is on; a credible message is received about a suicide threat.

A Hall Director or Assistant Hall Director or someone of higher authority may use master keys for entry only under the following circumstances.

- health and safety crisis
- search warrant from court
- verbal permission has been given for a limited administrative search
- written permission has been given for a full administrative search

a. Limited Administrative Search. A Hall Director or Assistant Hall Director who has concrete information of a violation of community standards must get verbal permission from a Director or Assistant Director of Housing and Residential Life to open the door of a non-responsive student. The resulting search will be hands-off and limited to what is in plain sight, closet and refrigerator contents and a quick look under and around surfaces. Any evidence found in a limited administrative search may be used for campus disciplinary procedures.

b. Full Administrative Search. If federal, state, or local law enforcement officers (including URI campus police) are not involved in an investigation of possible criminal activity, and if a staff or student provides concrete information that the search of a particular room will yield evidence of a serious violation of community standards by a particular student, the Director of Housing and Residential Life, the Dean of Students, or the Vice President for Student Affairs or his/her designee may issue a written administrative search warrant. Once the administrative warrant has been granted, the Director of Housing and Residential Life, Vice President for Student Affairs or their designee will conduct the search. Any evidence found in the administrative search may be used for campus disciplinary procedures.

a- c. an investigation of possible violation of state or federal law, any search of a student residence shall be conducted only by such law enforcement officers and only in

accord with legal standards applicable to police searches of private residences. ~~and no University employee or agent other than a URI police officer is~~ Only law enforcement officers are authorized to conduct a search of a student residence ~~in connection with such investigation. URI officials may, however, cooperate with the law enforcement officers executing a search authorized by an appropriate federal or state judicial officer. While executing a search warrant.~~ University staff may accompany officers. Evidence found may be used in criminal proceedings and/or in campus disciplinary proceedings.

Rationale: Updates language and position titles. Under specific circumstances and with approval, permits two levels of administrative search